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Letter dated 5 April 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to article 13 bis, paragraph 2, of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which reads as follows:

> "In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 13 of the Statute, for the remainder of the term of office concerned."

In this connection, I should like to inform you that Judge Richard May, a national of the United Kingdom of Great Britain and Northern Ireland, has resigned as a permanent judge of the International Tribunal, effective 31 May 2004.

The Government of the United Kingdom has presented the candidacy of the Honourable Lord Bonomy, a national of the United Kingdom, to replace Judge May. Please find attached his curriculum vitae (see annex).*

It is my view that Lord Bonomy meets the qualifications prescribed in article 13 of the statute of the Tribunal. I also consider that Lord Bonomy's appointment would be well calculated to ensure adequate representation on the Tribunal of the principal legal systems of the world, as contemplated in article 13 bis (1) (*c*) of its statute.

I should, therefore, like to proceed to consultation with you on the appointment of Lord Bonomy, in accordance with article 13 bis, paragraph 2, of the statute of the International Tribunal. I look forward to receiving your views on the matter.

(*Signed*) Kofi A. **Annan**

* The annex is being circulated in the language of submission only.

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Annex

Curriculum vitae

The Honourable Lord Bonomy (Iain Bonomy)

Date and place of birth: 15 January 1946, Motherwell, Scotland

Education

Dalziel High School, Motherwell (1958-1964)

University of Glasgow, LL.B. [Hons.] (1964-1968)

Professional experience

1968-1970	Apprentice Solicitor, East Kilbride Town Council
1971-1983	Partner, Ballantyne and Copland, Solicitors, Motherwell, Glasgow
1984-1993	Advocate
1993	Queen's Counsel
1990-1996	Advocate Depute
1993-1996	Home Advocate Depute
1996	Senior Counsel to the Dunblane Inquiry (into the shooting of a number of young schoolchildren and their teacher)
1997	Senator of the College of Justice (Judge in the Court of Session and the High Court of justiciary, the highest courts in Scotland)

As an Advocate Depute, Iain Bonomy QC was one of a team of Crown counsel prosecuting exclusively in the High Court of Justiciary. As Home Advocate Depute, he was leader of that team. His functions included evaluating the evidence gathered alleging the commission of war crimes by residents of Scotland. At that time, an Advocate Depute committed about 75 per cent of his working time to the Crown Office (the national prosecuting authority in Scotland). Throughout his time in the Crown Office, he was involved in the preparation and presentation of the most serious criminal cases, including murder, serious contraventions of the Misuse of Drugs Act and conspiracies, and represented the Crown in criminal appeals.

Since Lord Bonomy's appointment to the bench in January 1997, he has sat regularly in civil and criminal cases at first instance, and from time to time in civil and criminal appeals. Between 1997 and the present day, about 70 per cent of his time has been spent on first instance crime. The principal criterion for prosecuting a case in the High Court of Justiciary is the prospect that, in the event of conviction, the sentence imposed would exceed 3 (shortly to be 5) years' imprisonment.

Lord Bonomy is the author of *Improving Practice — The 2002 Review of the Practice and Procedure of the High Court of Justiciary*, which is currently being implemented through legislation in the Scottish Parliament.

Lord Bonomy is a regular contributor to conferences on international child abduction and to judicial seminars on the role of the judge at the *Deutsche Richterakademie*.